

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) 2:10-CR-578-APG-(GWF)
)
LINDA LIVOLSI, aka)
LINDA G. FINDLEY, aka)
LINDA GROGG, and)
WILLIAM LIVOLSI, JR.,)
)
Defendants.)

FINAL ORDER OF FORFEITURE

The Grand Jury returned an Eight-Count Superseding Criminal Indictment (Indictment), charging LINDA LIVOLSI and WILLIAM LIVOLSI, JR., in Counts One and Two with Conspiracy to Commit Wire Fraud in violation of Title 18, United States Code, Sections 1343 and 1349 and Wire Fraud in violation of Title 18, United States Code, Section 1343; and charging LINDA LIVOLSI in Counts Three through Six with False and Fraudulent Tax Returns in violation of Title 26, United States Code, Section 7206(1) and in Counts Seven and Eight with Failure to File Tax Returns in violation of Title 26, United States Code, Section 7203. The Indictment (ECF No. 110) also alleged forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) with Title 28, United States Code, Section 2461(c) and Title 21, United States Code, Section 853(p).

LINDA LIVOLSI pled guilty to one count of Wire Fraud in violation of 18 U.S.C. § 1343 and one count of False and Fraudulent Tax Returns in violation of 26 U.S.C. § 7206(1) (ECF Nos. 181, 182).

1 WILLIAM LIVOLSI, JR., pled guilty to one count of Wire Fraud in violation of 18 U.S.C. §
2 1343 (ECF Nos. 181, 185). LINDA LIVOLSI and WILLIAM LIVOLSI, JR. (the Livolsis) agreed to the
3 criminal forfeiture money judgment of \$5,015,000 set forth in the Plea Agreements (ECF Nos. 182, 185)
4 and the Forfeiture Allegation of the Indictment (ECF No. 110). This Court entered Orders of Forfeiture
5 (ECF Nos. 183, 186) directing the Livolsis to pay an in personam criminal forfeiture money judgment of
6 \$5,015,000 pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2); Title 18, United States Code, Section
7 981(a)(1)(C) with Title 28, United States Code, Section 2461(c); and Title 21, United States Code,
8 Section 853(p).

9 This Court sentenced LINDA LIVOLSI to 45 months in prison and WILLIAM LIVOLSI, JR., to
10 24 months in prison, both followed by supervised release for a three year period (ECF Nos. 199, 204,
11 206). As part of the sentence, this Court ordered the Livolsis to pay the criminal forfeiture money
12 judgment of \$5,015,000 pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B); Title 18, United States
13 Code, Section 981(a)(1)(C) with Title 28, United States Code, Section 2461(c); and Title 21, United
14 States Code, Section 853(p) (ECF Nos. 196, 197). This Court entered the Judgments In A Criminal
15 Case (ECF Nos. 204, 206) with the sentencing Orders of Forfeiture (ECF Nos. 196, 197) attached.

16 The United States filed a Sealed Ex Parte Motion to File this Motion and the Sealed Ex Parte
17 Motion to Substitute and to Forfeit Property of Linda Livolsi and William Livolsi, Jr., under Seal and
18 Motion to Unseal and Order (ECF No. 207) along with the Sealed Ex Parte Motion to Substitute and to
19 Forfeit Property of Linda Livolsi and William Livolsi, Jr., (ECF No. 208) to be used towards satisfaction
20 of the Livolsis criminal forfeiture money judgment. This Court entered the order granting the United
21 States' motion to seal and unseal (ECF No. 209) and the Amended Substitution and Forfeiture Order
22 (ECF No. 212) authorizing the substitution and forfeiture of the following real properties pursuant to
23 Title 21, United States Code, Section 853(p):

24 (1) real property located at 53515 S. 36700 Road, Cleveland, Oklahoma, 74020, APN/Parcel #
25 0000-05-20N-08E-4-008-00, held in the names of William J. Livolsi and Linda G. Grogg, Husband and
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1 Wife, as Joint Tenants and not as Tenants in Common, and any appurtenances or improvements thereon,
2 legally described as follows:

3 A tract of land lying in the Northeast Quarter of the Southeast Quarter (NE/4 SE/4) of Section 5,
4 Township 20 North, Range 8 East of the Indian Base and Meridian, Pawnee County, State of
Oklahoma, according to the United States Government Survey thereof. More particularly described as
follows, to-wit:

5 Beginning at the Northeast corner of the Southeast Quarter (SE/4) of said Section 5, Township 20
6 North, Range 8 East; Thence West along the North line of Southeast Quarter (SE/4) a distance of 840
feet, more or less, to a point that is 1800 feet East of the Northwest corner of said Southeast Quarter
7 (SE/4); Thence South and parallel with the West line of the Southeast Quarter (SE/4) a distance of
713.67 feet; Thence East a distance of 840 feet, more or less, to a point on the East Line of said
8 Southeast Quarter (SE/4); Said point is 1913.06 feet North of the Southeast corner of the Southeast
Quarter (SE/4) of said Section 5; Thence North along said East line a distance of 713.92 feet, more or
9 less, to the POINT OF BEGINNING. LESS AND EXCEPT: All that portion of the tract lying East of
the center line of an existing County road;

10 and

11 (2) real property located at 804 North Broadway, Cleveland, Oklahoma, 74020, APN/Parcel #
12 2020-00-005-013-0-001-00, consisting of six lots, a restaurant known as The Broadway Grill, held in the
13 name of William J. Livolsi, Jr., as Trustee of the William J. Livolsi, Jr. Living Trust Dated December 23,
14 2002, and any appurtenances or improvements thereon, legally described as follows:

15 Lands and property, together with all improvements located thereon, lying in the County of Pawnee,
16 State of Oklahoma, to-wit: Lots Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16), Seventeen
(17), and Eighteen (18) of Block Five (5) in Broadway Addition to the City of Cleveland, Pawnee
17 County, State of Oklahoma according to the recorded plat thereof.

18 The USMS took the substitute properties into custody (ECF No. 220). After the real properties
19 were taken into custody and the United States filed the Notice of Filing Service of Process (ECF No.
20 220) showing that the properties were taken into custody, the sealed motions and the Amended
21 Substitution and Forfeiture Order were automatically unsealed per the Order granting the Motion to Seal
22 and Unseal (ECF No. 209) so that the proper parties could be served.

23 The United States discovered the real property located at 53515 S. 36700 Road, Cleveland,
24 Oklahoma 74020 was sold in a mortgage foreclosure sale on August 17, 2015, for lack of mortgage
25 payments since 2005. The United States filed Notice (ECF No. 221) that its interests and rights expired
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1 in that piece of real property since it is no longer in its custody and the amount owed was greater than
2 the property was worth.

3 The United States filed and this Court granted its Amended Motion for an Interlocutory Order of
4 Sale of 804 North Broadway, Cleveland, Oklahoma 74020 (ECF No. 228).

5 This Court finds the United States published the notice of forfeiture in accordance with the law
6 via the official government internet forfeiture site, www.forfeiture.gov, consecutively from September
7 26, 2015, through October 25, 2015, notifying all potential third parties of their right to petition the
8 Court. Notice of Filing Proof of Publication, ECF No. 230.

9 On October 7, 2015, C. Stanley Hunterton, counsel for William Livolsi, Jr., Hunterton &
10 Associates, 627 S. 7th St., Las Vegas, Nevada 89101 was personally served with the United States of
11 America's Motion to File this Motion and the Motion to Substitute under Seal, the Motion to Substitute
12 and to Forfeit Property of Linda Livolsi and William Livolsi, Jr., the Amended Substitution and
13 Forfeiture Order, and the Notice. Notice of Filing Service of Process, ECF No. 225.

14 On October 13, 2015, Monique Kirtley, counsel for Linda Livolsi, Federal Public Defender, 411
15 E. Bonneville, Ste. 250, Las Vegas, Nevada 89101 was personally served with the United States of
16 America's Motion to File this Motion and the Motion to Substitute under Seal, the Motion to Substitute
17 and to Forfeit Property of Linda Livolsi and William Livolsi, Jr., the Amended Substitution and
18 Forfeiture Order, and the Notice. Notice of Filing Service of Process, ECF No. 225.

19 On October 7, 2015, Linda and William Livolsi, 53515 S. 36700 Rd., Cleveland, Oklahoma
20 74020, were served by regular and certified return receipt requested mail tracking number 7015 1520
21 0001 4971 5602 with the Notice, Order Granting the Motion to Substitute Under Seal, Motion to
22 Substitute and to Forfeit Property, and the Amended Substitution and Forfeiture Order. Notice of Filing
23 Service of Process, ECF No. 236.

24 On October 7, 2015, Melissa Ryan, Pawnee County Assessor, 500 Harrison, Room 201, Pawnee,
25 Oklahoma 74058, was served by regular and certified return receipt requested mail tracking number
26 7013 1090 0002 1198 4116 with the Notice, Order Granting the Motion to Substitute Under Seal,

1 Motion to Substitute and to Forfeit Property, and the Amended Substitution and Forfeiture Order. Notice
2 of Filing Service of Process, ECF No. 236.

3 On October 7, 2015, Carrie Tatum, Pawnee County Treasurer, 500 Harrison, Room 200, Pawnee,
4 Oklahoma 74058, was served by regular and certified return receipt requested mail tracking number
5 7013 1090 0002 1198 4123 with the Notice, Order Granting the Motion to Substitute Under Seal,
6 Motion to Substitute and to Forfeit Property, and the Amended Substitution and Forfeiture Order. Notice
7 of Filing Service of Process, ECF No. 236.

8 On October 7, 2015, Kristie Moles, Pawnee County Clerk, 500 Harrison, Room 202, Pawnee,
9 Oklahoma 74058, was served by regular and certified return receipt requested mail tracking number
10 7015 1520 0001 4971 5565 with the Notice, Order Granting the Motion to Substitute Under Seal,
11 Motion to Substitute and to Forfeit Property, and the Amended Substitution and Forfeiture Order. Notice
12 of Filing Service of Process, ECF No. 236.

13 On October 7, 2015, Rex Duncan, District Attorney, Pawnee County Courthouse, 500 Harrison,
14 Pawnee, Oklahoma 74058, was served by regular and certified return receipt requested mail tracking
15 number 7015 1520 0001 4971 5572 with the Notice, Order Granting the Motion to Substitute Under
16 Seal, Motion to Substitute and to Forfeit Property, and the Amended Substitution and Forfeiture Order.
17 Notice of Filing Service of Process, ECF No. 236.

18 On October 7, 2015, Dale Carter, Pawnee County Commissioners, 500 Harrison, Room 203,
19 Pawnee, Oklahoma 74058, was served by regular and certified return receipt requested mail tracking
20 number 7015 1520 0001 4971 5589 with the Notice, Order Granting the Motion to Substitute Under
21 Seal, Motion to Substitute and to Forfeit Property, and the Amended Substitution and Forfeiture Order.
22 Notice of Filing Service of Process, ECF No. 236.

23 On October 7, 2015, Cleveland Municipal Authority, P.O. Drawer 190, Cleveland, Oklahoma
24 74020, was served by regular and certified return receipt requested mail tracking number 7015 1520
25 0001 4971 5596 with the Notice, Order Granting the Motion to Substitute Under Seal, Motion to

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1 Substitute and to Forfeit Property, and the Amended Substitution and Forfeiture Order. Notice of Filing
2 Service of Process, ECF No. 236.

3 On October 7, 2015, Chris Benge, Oklahoma Secretary of State, 2300 N. Lincoln Blvd., Ste. 101,
4 Oklahoma City, Oklahoma 73105, Registered Agent for Ameriquest Mortgage Company, was served by
5 regular and certified return receipt requested mail tracking number 7013 1090 0002 1198 4109 with the
6 Notice, Order Granting the Motion to Substitute Under Seal, Motion to Substitute and to Forfeit
7 Property, and the Amended Substitution and Forfeiture Order. Notice of Filing Service of Process, ECF
8 No. 236.

9 On October 7, 2015, Ellwood Bartlett, Appdo #110-4013, Alajuela, Costa Rica, 20501, was
10 Federal Expressed the Notice, Order Granting the Motion to Substitute Under Seal, Motion to Substitute
11 and to Forfeit Property, and the Amended Substitution and Forfeiture Order. Service via Federal
12 Express tracking number 774684449470 was attempted, but the service was returned and no new
13 address could be located. Notice of Filing Service of Process, ECF No. 236.

14 This Court finds no other petitions were filed herein by or on behalf of any person or entity and
15 the time for filing such petitions and claims has expired.

16 This Court finds no petitions are pending with regard to the assets named herein and the time
17 for presenting such petitions has expired.

18 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that all right, title,
19 and interest in the property hereinafter described is condemned, forfeited, and vested in the United States
20 of America pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B); Fed. R. Crim. P. 32.2(c)(2); Title 18,
21 United States Code, Section 981(a)(1)(C) with Title 28, United States Code, Section 2461(c); and Title 21,
22 United States Code, Section 853(n)(7) and (p) and shall be disposed of according to law: real property
23 located at 804 North Broadway, Cleveland, Oklahoma, 74020, APN/Parcel # 2020-00-005-013-0-001-00,
24 consisting of six lots, a restaurant known as The Broadway Grill, held in the name of William J. Livolsi,
25 Jr., as Trustee of the William J. Livolsi, Jr. Living Trust Dated December 23, 2002, and any appurtenances
26 or improvements thereon, legally described as follows:

1 Lands and property, together with all improvements located thereon, lying in the County of Pawnee,
2 State of Oklahoma, to-wit: Lots Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16), Seventeen
3 (17), and Eighteen (18) of Block Five (5) in Broadway Addition to the City of Cleveland, Pawnee
County, State of Oklahoma according to the recorded plat thereof

4 which will be applied towards the criminal forfeiture money judgment of \$5,015,000 in United
5 States Currency.

6 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any and all forfeited funds,
7 including but not limited to, currency, currency equivalents, certificates of deposit, as well as any
8 income derived as a result of the United States of America's management of any property forfeited
9 herein, and the proceeds from the sale of any forfeited property shall be disposed of according to law.

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send copies of this
11 Order to all counsel of record and three certified copies to the United States Attorney's Office, Attention
12 Daniel D. Hollingsworth, Asset Forfeiture Unit.

13 Dated: November 30, 2015.

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UNITED STATES DISTRICT JUDGE
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